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To: Stephen R. Crow - UNITED STATES PATENT AND TRADEMARK OFFICE
ART UNIT 3764

Fax No.: 1-703-872-9306

No. of Pages: 16 (incl. this page)

From: David B. Dellenbach

Date: November 9, 2004

File No./Subject: SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO
RECEIVE OFFICE ACTION

Patent Application
Serial No.: 09/943,741
Filed: August 30, 2004
Title: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT
Our File: 13914.741

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VIA FACSIMILE (703) 872-9306

PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Watterson et al.)
Serial No.: 09/943,741)
Filed: August 30, 2004) Art Unit
Confirmation No.: 8528) 3764
For: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT)
Examiner: Stephen R. Crow)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents are being filed with the U.S. Patent and Trademark Office via facsimile to Attn: Stephen R. Crow, Examiner U.S. Patent and Trademark Office, facsimile number: 1-703-872-9306 this 7 day of November, 2004:

- Second Submission Of Petition Under 37 C.F.R. § 1.181 To Withdraw Holding of Abandonment Based On Failure To Receive Office Action (1 page)
- Transmittal of Second Submission of Petition Under 37 C.F.R. § 1.181 To Withdraw Holding of Abandonment Based on Failure to Receive Office Action (1 page)
- Petition Under 37 C.F.R. § 1.181 To Withdraw Holding of Abandonment Based on Failure To Receive Office Action (12 pages)

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

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PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Watterson et al.)
Serial No.: 09/943,741)
Filed: August 30, 2001) Art Unit 3764
Confirmation No.: 8528)
For: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT)
Examiner: Stephen R. Crow)

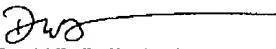
SECOND SUBMISSION OF PETITION UNDER 37 C.F.R. §1.181 TO WITHDRAW
HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION

VIA FACSIMILE (703) 872-9306
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Sir:

Please find transmitted herewith the Petition Under 37 C.F.R. § 1.181 To Withdraw Holding of Abandonment Based On Failure To Receive Office Action, which was originally transmitted to the facsimile number of (703) 308-5065 October 21, 2004.

Dated this 7 day of November 2004.

Respectfully submitted,


David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

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PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Watterson, et al.)	
Serial No.:	09/943,741)
Filed:	August 30, 2001)
Confirmation No.	8528)
For:	ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT)
Examiner:	Stephen R. Crow)

Art Unit
3764

PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

VIA FACSIMILE (703) 308-5056
ATTN: BLANCHE MAY - IMAGE ASSISTANCE CENTER
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.181, MPEP § 711.03(c), and the Attachment to the Notice of Abandonment mailed October 12, 2004, Applicants hereby petition to withdraw the holding of abandonment relating to Patent Application Serial No. 09/943,741 based on failure to receive a Notice of Allowance. The Applicants have never received a USPTO Notice of Allowance or a Notice of Allowability in this patent application. The Applicants were not aware that a Notice of Allowance or a Notice of Allowability had been issued until the enclosed Notice of

09/943,741
Page 2

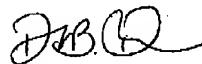
Abandonment was received. The Applicants' counsel has searched the file jacket and docket records relating to Application Serial No. 09/943,741 and both indicate that a Notice of Allowance and a Notice of Allowability have never been received by Applicants' counsel. A copy of the docket record on which the nonreceived Notices of Allowance and Allowability would have been entered and docketed is enclosed. It shows that these Notices have not been received.

It is the Applicants' understanding that no fee is required for granting of this Petition. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178. Duplicate copies of this authorization are enclosed.

In view of the foregoing, Applicants respectfully request that this Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action be granted. The Applicants also hereby request that copies of the Notice of Allowance and Notice of Allowability be sent to Applicants' counsel.

Dated this 21 day of October 2004.

Respectfully submitted,



David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
Customer No. 022913
Telephone No. (801) 533-9800

DBD/lrc
LC0000001748V001

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VIA FACSIMILE (703) 308-5065

PATENT APPLICATION
 Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Watterson, et al.

Serial No.: 09/943,741

) Art Unit
3764

Filed: August 30, 2001

)

Conf. No.: 8528

)

For: ELLIPTICAL EXERCISE DEVICE WITH LEAF
SPRING SUPPORTS

)

Examiner: Stephen R. Crow

)

TRANSMITTAL FOR PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE OFFICE ACTION

VIA FACSIMILE (703) 308-5065

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Enclosed herewith for filing is a PETITION UNDER 37 C.F.R. § 1.181 TO

WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE

ACTION in the above-identified patent application.

Dated this 21 day of October 2004.

Respectfully submitted,



David B. Dellenbach
 Attorney for Applicants
 Registration No. 39,166
 Customer No. 022913
 Telephone No. (801) 533-9800

* Admitted only in California

FILED VIA FACSIMILE (703) 308-5056

PATENT APPLICATION
Docket No. 13914.741

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

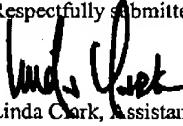
In re application of)
Watterson, et al.)
Serial No.: 09/943,741)
Filed: August 30, 2001) Art Unit
Confirmation No. 8528) 3764
For: ELLIPTICAL EXERCISE DEVICE WITH LEAF)
SPRING SUPPORT)
Examiner: Stephen R. Crow)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following documents are being filed with the U.S. Patent and Trademark Office via facsimile to Attn: Blanche May - Image Assistance Center, Examiner U.S. Patent and Trademark Office, facsimile number: (703) 308-5056 this 21 day of October, 2004:

- Transmittal for Petition Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action (1 page) (in duplicate)
- Petition Under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment Based on Failure to Receive Office Action Amendment After Notice of Allowance Under 37 C.F.R. § 1.312 (2 pages)
- Copy of Notice of Abandonment (3 pages)
- Copy of Docket Record (2 pages)

Respectfully submitted,



Linda Clark, Assistant to
David B. Dellenbach
Attorney for Applicants
Registration No. 39,166
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To: Blanche May (Image Assistance Center) UNITED STATES PATENT AND TRADEMARK OFFICE

Fax No.: (703) 308-5056⁶⁵

No. of Pages: 11 (incl. this page)

From: David B. Dillenbach

Date: October 21, 2004

File No./Subject: **PETITION UNDER 37 C.F.R. § TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Patent Application

Serial No.: 09/943,741

Filing Date: August 30, 2001

Title: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT

Our File: 13914.741

Applicants request that copies of the Notice of Allowance and Notice of Allowability
be sent to Applicants' counsel.

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To: Blanche May (Image Assistance Center) UNITED STATES PATENT AND TRADEMARK OFFICE

Fax No.: (703) 308-5056

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From: David B. Dellenbach

Date: October 21, 2004

File No./Subject: **PETITION UNDER 37 C.F.R. § TO WITHDRAW HOLDING OF
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Patent Application

Serial No.: 09/943,741

Filing Date: August 30, 2001

Title: ELLIPTICAL EXERCISE DEVICE WITH LEAF SPRING SUPPORT
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